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AUG 29 1996

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

) MM DOCKET NO. 95-154

CONTEMPORARY MEDIA, INC.

Licensee of Stations WBOW(AM), WBFX(AM), and
WZZQ(FM), Terre Haute, Indiana

Order to Show Cause Why the Licenses for Stations
WBOW(AM), WBFX(AM), and WZZQ(FM), Terre Haute,
Indiana, Should Not be Revoked

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CONTEMPORARY BROADCASTING, INC.

Licensee of Station KFMZ(FM), Columbia, Missouri, and
Permittee of Station KAAM-FM, Huntsville, Missouri (unbuilt)

Order to Show Cause Why the Authorizations for Stations
KFMZ(FM), Columbia, Missouri; and KAAM-FM, Huntsville,
Missouri, Should Not be Revoked

LAKE BROADCASTING, INC.

Licensee of Station KBMX(FM), Eldon, Missouri, and
Permittee of Station KFXE(FM), Cuba, Missouri

Order to Show Cause Why the Authorizations for Stations
KBMX(FM), Eldon, Missouri; and KFXE(FM), Cuba,
Missouri, Should Not be Revoked

LAKE BROADCASTING, INC.

) File No. BPH-921112MH

For a Construction Permit for a New FM Station on
Channel 244A at Bourbon, Missouri

To: Administrative Law Judge
Arthur I. Steinberg

MASS MEDIA BUREAU'S
OPPOSITION TO MOTION TO REOPEN THE RECORD

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1. On August 28, 1996, Contemporary Media, Inc., Contemporary broadcasting, Inc., and Lake Broadcasting, Inc. (the "Licensees"), filed a motion to reopen the record in this proceeding to receive the text of a Missouri statute and a facsimile copy of a brochure concerning services to inmates offered by the Missouri Department of Corrections, Division of Offender Rehabilitative Services. The Mass Media Bureau hereby opposes the Licensees' motion.

2. As the Commission noted in Washoe Shoshone Broadcasting, 5 FCC Rcd 5561 (1990):

It is well established that, to justify a reopening of the record, a petitioner must show unusual or compelling circumstances. WEBR, Inc. v. FCC, 420 F.2d 158 (D.C. Cir. 1969); Kidd v. FCC, 302 F. 2d 873 (D.C. Cir. 1962); Southeast Arkansas Radio, Inc., 61 FCC 2d 72, 74 (1976). A petition to reopen must be supported by a showing that the petitioner could not, through the exercise of due diligence, have discovered the facts relied upon at an earlier date, and that the evidence, if true, would affect the ultimate disposition of the proceeding. Southeast Arkansas Radio Inc., supra.

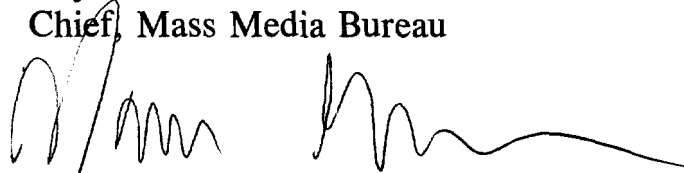
The Licensees' motion does not meet this test.

3. The Licensees' motion must be denied because they have failed to

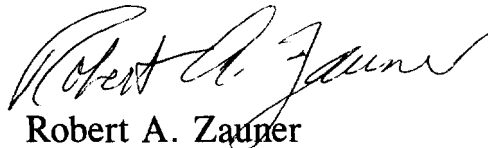
show that, through the exercise of due diligence, they could not have discovered the facts they rely upon at an earlier date. Although they claim that they just became aware of the statute and brochure, the Licensees offer no explanation of why they could not have uncovered these documents at an earlier point in time. Also, the proffered information must be rejected because it will not affect the outcome of this proceeding. Here there is no evidence that Rice has successfully completed the program described in the brochure. Absent such information, the proffered brochure, even if received, would be meaningless. Finally, the Licensees have failed to show either unusual or compelling circumstances which would warrant the reopening of the record in this proceeding.

4. For the reasons stated, the Licensees' motion to reopen the record should be denied.

Respectfully submitted,
Roy J. Stewart
Chief, Mass Media Bureau



Norman Goldstein
Chief, Complaints and
Political Programming Branch



Robert A. Zauner
Attorney
Mass Media Bureau

Federal Communications Commission
2025 M Street, N.W.
Suite 7212
Washington, D.C. 20554
(202) 418-1430

August 29, 1996

CERTIFICATE OF SERVICE

Curtrisha Hicks a secretary in the Complaints and Political Programming Branch, Mass Media Bureau, certifies that she has on this 29th day of August 1996, sent by regular United States mail, copies of the foregoing **Mass Media Bureau's Opposition to Motion to Reopen the Record"** to:

Shelley Sadowsky, Esq
Michael D. Gaffney, Esq.
Rosenman & Colin LLP
1300 19th Street, N.W.
Suite 200
Washington, D.C. 20036


Curtrisha Hicks